



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

OCT 29 1996

REPLY TO THE ATTENTION OF:

Ohio Drum Reconditioning

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

EPA Region 5 Records Ctr.



205901

Re: Administrative Order No. V-W-96-C-360
Ohio Drum Reconditioning Site
Cleveland, Ohio

Dear Sir or Madam:

Enclosed please find an amendment to the above-captioned
Unilateral Administrative Order dated September 10, 1996.

If you have any questions, please contact Kevin C. Chow,
Assistant Regional Counsel, at (312) 353-6181.

Sincerely yours,

for William E. Muno, Director
Superfund Division

Enclosure

cc: Janice A. Carlson, OEPA Superfund Coordinator

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Region 5

IN THE MATTER OF:)	Docket No. V-W-96-C-360
)	
Ohio Drum Reconditioning Site)	ADMINISTRATIVE ORDER
)	PURSUANT TO SECTION 106(a)
)	OF THE COMPREHENSIVE
)	ENVIRONMENTAL RESPONSE,
Respondents:)	COMPENSATION, AND
)	LIABILITY ACT OF 1980,
Listed in Attachment A)	AS AMENDED, 42 U.S.C.
)	SECTION 9606(a)

FIRST AMENDMENT TO ADMINISTRATIVE ORDER
PURSUANT TO SECTION 106(a)
OF THE COMPREHENSIVE ENVIRONMENTAL RESPONSE,
COMPENSATION, AND LIABILITY ACT OF 1980,
as amended, 42 U.S.C. Section 9606(a)

The Administrative Order, U.S. Environmental Protection Agency
Docket No. V-W-96-C-360, issued on September 10, 1996, is hereby
modified as follows:

CONCLUSIONS OF LAW AND DETERMINATIONS Section, Page 4, Paragraph
4. of the Order shall be amended to read:

Respondents Brookside Auto Parts, Inc., Mr. David Tvert, and Mr. Elmer Freiberg are the present "owners" and "operators" of the Ohio Drum Reconditioning Site, as defined by Section 101(20) of CERCLA, 42 U.S.C. § 9601(20). Respondents Archer-Daniels-Midland Company, Ashland Chemical Company, City Barrel & Drum Co., Cuyahoga Chemical Company, C. DeSantis Paints Manufacturing Company, Waterlox Coatings Corporation f/k/a Empire Varnish Company, Mr. Elmer Freiberg & Mr. David Tvert d/b/a General Steel Barrel Company, Baltimore-Ennis Land Company f/k/a Gibson-Homans, Leeco Corporation, The Lincoln Electric Company, Lomack Drum Company, Mr. Elmer Freiberg & Mr. David Tvert d/b/a Ohio Drum Reconditioning, Werner G., Smith, Inc., Technical Products, Inc., U.S. Steel-Lorain Works, and Youngstown Barrel & Drum Co., are either persons who at the time of disposal of any hazardous substances owned or operated the Ohio Drum Reconditioning Site, or who arranged for disposal or transport for disposal of hazardous substances at the Ohio Drum Reconditioning Site. Respondents are therefore liable persons under Section 107(a) of CERCLA, 42 U.S.C. § 9607(a).

ORDER Section, 3.1 Work Plan and Implementation, Page 10, Paragraph 1 of the Order shall be amended to read:

Within 20 business days after the effective date of this Order, the Respondents shall submit to U.S. EPA for approval a draft Work Plan for performing the removal activities set forth above. The draft Work Plan shall provide a description of, and an expeditious schedule for, the activities required by this Order.

ORDER Section, 3.2 Health and Safety Plan, Page 11, Paragraph 1 of the Order shall be amended to read:

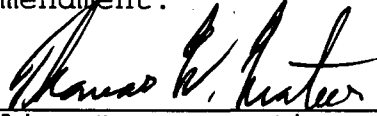
Within 20 business days after the effective date of this Order, the Respondents shall submit a plan for U.S. EPA review and comment that ensures the protection of the public health and safety during performance of on-site work under this Order. This plan shall comply with applicable Occupational Safety and Health Administration (OSHA) regulations found at 29 CFR Part 1910. If U.S. EPA determines it is appropriate, the plan shall also include contingency planning. Respondents shall incorporate all changes to the plan recommended by U.S. EPA, and implement the plan during the pendency of the removal action.

EFFECTIVE DATE Section, Page 18, Paragraph 1 of the Order shall be amended to read:

This Order shall be effective 60 calendar days following the date of signature of the First Amendment to the Ohio Drum Reconditioning Site Unilateral Administrative Order by the Superfund Division Director, U.S. EPA, Region 5.

This First Amendment to the Ohio Drum Reconditioning Site Unilateral Administrative Order is hereby incorporated into the Order as if it were originally part of the Order; all terms, conditions, and stipulations of the Order shall apply to this First Amendment.

By:


for William E. Muno, Director
Superfund Division
U.S. Environmental Protection Agency
Region 5

October 29, 1996.

ATTACHMENT A

LIST OF RESPONDENTS RECEIVING
FIRST AMENDMENT TO UNILATERAL ADMINISTRATIVE ORDER

Archer-Daniels-Midland Company
c/o Richard Kissel, Esq.
Robert M. Saielli, Esq.
John W. Watson, Esq.
Gardner, Carton & Douglas
Quaker Tower
321 North Clark Street, Suite 3400
Chicago, Illinois 60610-4795

Ashland Chemical Company
c/o Gertrude M. Kelly, Esq.
Law Department
Post Office Box 2219
Columbus, Ohio 43216

Brookside Auto Parts, Inc.
c/o Eugene I. Selker, Esq.
Selker & Furber
1111 Ohio Savings Place
1801 East 9th Street
Cleveland, Ohio 44114

City Barrel & Drum Co.
c/o Dave Ross, Esq.
Reminger & Reminger
113 St. Clair Avenue, Suite 600
Cleveland, Ohio 44114

Cuyahoga Chemical Company
c/o Patrick J. McIntyre, Esq.
Seeley, Savidge & Aussen
800 Bank One Center
600 Superior Avenue, East
Cleveland, Ohio 44114-2655

C. DeSantis Paints Manufacturing Company
4101 East 116th Street
Cleveland, Ohio 44105

Waterlox Coatings Corporation
f/k/a Empire Varnish Company
c/o Mr. John Hawkins, Manager
9808 Meech Avenue
Cleveland, Ohio 44105

Mr. Elmer Freiberg
c/o Michael McMahon, Esq.
McMahon, DeGulis & Hoffman
The Kaxton Building
812 Huron Road, Suite 650
Cleveland, Ohio 44115-1126

Mr. Elmer Freiberg & Mr. David Tvert
d/b/a General Steel Barrel Company
c/o Michael McMahon, Esq.
McMahon, DeGulis & Hoffman
The Kaxton Building
812 Huron Road, Suite 650
Cleveland, Ohio 44115-1126

Baltimore-Ennis Land Company
f/k/a Gibson-Homans
c/o Karen A. Mignone, Esq.
Hannoch Weisman
Post Office Box 1040
Newark, New Jersey 07101-9819

[No Known Address
Leeco Corporation
Madison, Ohio 44057]

The Lincoln Electric Company
c/o Mary M. Bittance, Esq.
Baker & Hostetler
3200 National City Center
1900 East 90th Street
Cleveland, Ohio 44114-3485

Lomack Drum Company
c/o M. David Smith, Esq.
Friedman, Domiano & Smith
Sixth Floor, Standard Building
1370 Ontario Street
Cleveland, Ohio 44113-1701

Mr. Elmer Freiberg & Mr. David Tvert
d/b/a Ohio Drum Reconditioning
c/o Michael McMahon, Esq.
McMahon, DeGulis & Hoffman
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Cleveland, Ohio 44115-1126

Werner G. Smith, Inc.
c/o John E. Sullivan, Esq.
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Cleveland, Ohio 44114-3485

Technical Products, Inc.
c/o Ann Tighe, Esq.
Cotsirilos, Stephenson, Tighe, & Streiker
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Mr. David Tvert
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U.S. Steel-Lorain Works
c/o USX Corporation
Law Department
Miles Stipanovich, Esq.
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Pittsburgh, Pennsylvania 15219-2749

Youngstown Barrel & Drum Co.
c/o Mr. Laurence A. McHugh
Barnes & Thornburg
600 1st Source Bank Center
100 North Michigan
South Bend, Indiana 46601-1632

bcc: Docket Analyst, ORC (C-29A)
Kevin Chow, ORC (C-29A)
Joe Fredle, OSC (SE-W)
Joe Kaweck, CI (SE-5J)
John Maritote, EESS (SE-5J)
Debbie Regel, EESS (SE-5J)
Toni Lesser, Public Affairs (P-19J) w/out attachments
Don Henne, Department of Interior
Tony Audia (MF-10J)
Records Center (SMR-7J)
ERB Read File